

Serial No.: 10/672,364

Attorney Docket No.: 2003P08221US

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**REMARKS**

Upon entry of the instant Amendment, Claims 1-10, 12-13, and 15-31 are pending. Claims 1, 15, and 24 have been amended to more particularly point out applicants' invention.

Claims 1-8 and 15-31 were rejected under 35 U.S.C. 103 as being unpatentable over Elliott, U.S. Patent No. 6,243,039 ("Elliott") in view of Silver, U.S. Patent Publication No. 2007/0082668 ("Silver"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Elliott or Silver, either singly or in combination.

As discussed in the Specification, aspects of the present invention relate to a system and method for location monitoring, for example, by third parties. A remote device may be affixed, for example to a person, and set to trigger an alarm (e.g., "alerts," "alerting signal") and/or transmission of positioning information upon a departure from a predetermined location. In addition, the device and its corresponding location may be associated with one or more presence and availability rules that may define, for example, how the user associated with the device may be contacted. In order to prevent "togglng" at a threshold, a hysteresis timer may be provided, such that transmission of the update does not occur until the user device is outside the boundary for more than a predetermined period.

Thus, claim 1 has been amended to recite "and update an availability when the network client determined to be outside the predetermined location, the network client including a boundary hysteresis timer for determining a boundary threshold prior to transmitting said position information;" claim 15 has been amended to recite "the particular ones including a boundary hysteresis timer for determining a boundary threshold prior to transmitting said updates;" and claim 24 has been amended to recite "wherein said particular one determines it is outside said predetermined location responsive to a boundary hysteresis timer for determining a boundary threshold."

In contrast, Elliott provides a system for monitoring the location of a child. An automatic update of the current location can be triggered. However, as acknowledged

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in the Official Action, Elliott does not appear to have anything to do with, for example, presence and availability rules associated with the user's status over a predetermined period. That is, Elliott does not appear to define rules for contacting a user that are associated with the user's location, as generally recited in the claims at issue.

Instead, Silver is relied on for providing such rules. However, in Silver, the location and rules do not appear to be updated when a boundary is crossed. Instead, Silver makes a location and rules check only when an incoming call is received.

Further, neither reference appears to provide a hysteresis threshold. As noted above, Silver provides a check only upon receiving a call. Elliott similarly fails to provide such a hysteresis threshold. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 9, 10, 12, and 13 have been rejected under 35 U.S.C. 103 as being unpatentable over Elliott in view of DeVries, U.S. Patent No. 6,968,179 ("DeVries"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Elliott or DeVries, either singly or in combination.

Claim 9 recites, inter alia, "a cellular telephone controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server when said telecommunications device is determined to have changed status; and

wherein said telecommunications device further includes a rules database of location and presence and availability related information."

Thus, embodiments of the present invention provide for rules databases maintained at the cellular telephone itself. As discussed above, Elliott does not relate to a database of location and presence and availability information. Instead, DeVries is relied on for such teaching. However, in DeVries, any rules are maintained at the server, not at the cellular telephone, as recited in the claims at issue. Consequently, the user devices in DeVries do not receive updates to the rules, as recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

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For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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